

RE: DO YOU HAVE ANY COMMENTS ON THE REVISION OF THE SEPA CHECKLIST THAT I SENT TO YOU AND JENNIFER OLLERO?

Dave Bartus to: Brown, Melinda J. (ECY)

12/07/2007 07:15 AM

1 attachment



mitigated determination of nonsignificance d3 dbb comments.doc

I actually finished my comments Wednesday evening, but when I tried to reply to your e-mail, I couldn't find the file with my comments in the directory SEPA. Which wasn't surprising, since I had saved it in the LLBG directory. Oh well.

I think I preserved all of the substantive elements intact. My comments are intended to provide regulatory clarity, for example, the intent to treat using both macro-encapsulation and MACRO. I also included language that is intended to better integrate the SEPA evaluation and the dangerous waste permitting requirements. Even though it is a state-only issue, it still seems to me critical to consider the dangerous waste requirements, including the necessary permit authorization, in evaluating the impacts under SEPA. Basically, WAC 173-303-815(2)(b)(ii) requires that Ecology is obligated to establish permit conditions as necessary to protect human health and the environment. If such conditions are established in compliance with the dangerous waste regulations, I have a hard time seeing how Ecology could find a case for adverse impacts under SEPA. In other words if Ecology does establish permit conditions in compliance with WAC 173-303-815, then the SEPA conclusion (with respect to the component of the SEPA evaluation related to the scope of the dangerous waste regulations), will always be no adverse impacts.

-----"Brown, Melinda J. (ECY)" <mbro461@ECY.WA.GOV> wrote: -----

To: Dave Bartus/R10/USEPA/US@EPA

Yes, tomorrow would be fine...

From: "Brown, Melinda J. (ECY)" <mbro461@ECY.WA.GOV>

Date: 12/05/2007 05:02PM

Subject: RE: DO YOU HAVE ANY COMMENTS ON THE REVISION OF THE SEPA

CHECKLIST THAT I SENT TO YOU AND JENNIFER OLLERO?

----Original Message---From: Bartus.Dave@epamail.epa.gov [
mailto:Bartus.Dave@epamail.epa.gov]
Sent: Wednesday, December 05, 2007 4:50 PM
To: Brown, Melinda J. (ECY)
Subject: Re: DO YOU HAVE ANY COMMENTS ON THE REVISION OF THE SEPA

CHECKLIST THAT I SENT TO YOU AND JENNIFER OLLERO?

Just tried to call you, but you weren't in. I saw the e-mails, but I've

been kinda consumed with S-102 stuff. I definitly would like to $\operatorname{\mathsf{get}}$

feedback to you - perhaps tomorrow or Friday? Thanks a bunch....

Dave

"Brown, Melinda

J. (ECY)"

<mbro461@ECY.WA.</pre>

То

GOV> Dave

Bartus/R10/USEPA/US@EPA

CC

12/05/2007 04:41

PM

Subject

DO YOU HAVE ANY COMMENTS ON

THE

REVISION OF THE SEPA

CHECKLIST

THAT I SENT TO YOU AND

JENNIFER

OLLERO?

Jennifer liked what she read, but I am not going out without giving you a chance to respond.

<<mitigated determination of nonsignificance d3.doc>>
Thanks!!!!

Melinda J. Brown
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If you can walk, you can dance.

If you can talk, you can sing. Zimbabwe proverb

(See attached file: mitigated determination of nonsignificance d3.doc)